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Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Security Council
Sixty-sixth year

Report of the International Criminal Tribunal for Rwanda

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the sixteenth annual report of the International Criminal Tribunal for Rwanda, submitted by the President of the International Criminal Tribunal for Rwanda in accordance with article 32 of its statute (see Security Council resolution 955 (1994), annex), which states:

> The President of the International Criminal Tribunal for Rwanda shall submit an annual report of the International Criminal Tribunal for Rwanda to the Security Council and to the General Assembly.

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Letter of transmittal

28 July 2011

Excellencies,

I have the honour to submit the sixteenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, dated 28 July 2011, to the General Assembly and the Security Council, pursuant to article 32 of the statute of the International Tribunal.

Please accept, Excellencies, the assurances of my highest consideration.

(*Signed*) Khalida Rachid **Khan**
President

President of the General Assembly
United Nations
New York

President of the Security Council
United Nations
New York

Sixteenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Summary

The present annual report outlines the activities of the International Criminal Tribunal for Rwanda for the period from 1 July 2010 to 30 June 2011.

During the past year, the Tribunal continued its efforts to complete its remaining workload at the trial and appeals levels expeditiously. Despite major difficulties, in particular regarding staff retention and recruitment, the Tribunal made significant progress, delivering six trial judgements during the reporting period. Six trial judgements involving 10 accused remain to be delivered. Completion of the first instance work is expected by the first quarter of 2012.

The Appeals Chamber rendered four judgements in single-accused cases, bringing the total number of persons whose judgements have been completed at the appellate level to 35. Completion of the appeals work is expected by the first quarter of 2014.

The Office of the Prosecutor succeeded in arresting one fugitive during the reporting period through close cooperation with Member States in the region, bringing the number of fugitives down to nine. The Prosecutor also focused on providing support to national authorities in the prosecution of crimes relating to the 1994 Rwandan genocide. Continuous support was also extended to the Rwandan authorities to assist them in meeting the conditions for the transfer of cases from the Tribunal.

The Registry maintained a high level of administrative and judicial support to the Tribunal. It ensured the cooperation and assistance of Member States with the Tribunal and further strengthened its outreach and capacity-building activities in Rwanda. Trial proceedings continued to receive support from the various units and sections of the Judicial and Legal Services Division. The Division of Administrative Support Services continued its work to ensure the efficient management of the Tribunal's downsizing process.

All organs of the Tribunal are undertaking their best efforts to complete the work of the Tribunal expeditiously and to prepare for a smooth transition to the Residual Mechanism. Those efforts require essential cooperation and support from Member States: nine fugitives remain to be arrested, the three acquitted persons need countries for relocation and the Tribunal needs to be provided with sufficient resources to be in a position to complete its tasks in the expected time frame. The Tribunal relies on the ongoing support of Member States to achieve its goals.

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I. Introduction

1. The sixteenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 ("the Tribunal") outlines the activities of the Tribunal for the period from 1 July 2010 to 30 June 2011.

2. The Tribunal, through the Office of the President, the Chambers, the Office of the Prosecutor and the Office of the Registrar, has continued its efforts to meet the goals of its Completion Strategy, as endorsed by the Security Council in resolution 1503 (2003), with intense trial and appeals activity and judgement drafting.

II. Activities of the Tribunal

3. The Tribunal consists of two Trial Chambers, one Appeals Chamber, the Office of the Prosecutor and a Registry. On 27 May 2011, Judge Khalida Rachid Khan (Pakistan) was elected President, and Judge Dennis Byron (Saint Kitts and Nevis) was elected Vice-President.

A. Activities of the President

1. Judicial activity

4. During the reporting period, the President made decisions on the transfer of five convicted persons to Member States for the enforcement of their sentences. It is expected that those transfers will be completed shortly. The President also issued orders on a variety of other matters, including State cooperation and conditions of detention.

2. Completion Strategy

5. In close cooperation with the Prosecutor and the Registrar, the President has continued to implement the Tribunal's Completion Strategy. On 6 December 2010 and 6 June 2011, the President presented the six-monthly Completion Strategy reports to the Security Council. In the course of the reporting period, the Tribunal issued six judgements at the trial level and four judgements at the appeals level, representing a total of 18 accused. Judgement remains to be delivered in six cases at the trial level. The evidence phase has been completed in all but two trials and judgements are expected this year in all but two cases. In those two cases, judgement is expected by the first quarter of 2012.

6. Staff attrition remains one of the major impediments to the timely achievement of Completion Strategy goals. Between 1 July 2010 and 30 June 2011, a total of 152 staff members left the Tribunal for more stable jobs within the United Nations or other organizations: 18 staff members left the Chambers, 14 from the Office of the Prosecutor, and the remainder from the Administration and other sections of the Registry. The replacement of departing staff members is a lengthy process, which even in a best-case scenario would result in delays and cannot compensate for the

continuous loss of institutional memory. Moreover, many staff are on temporary contracts that will need to be exceptionally extended beyond the 729-day limit. The Security Council, in resolution 1955 (2010), reiterated its call upon the Secretariat and other relevant United Nations bodies to continue to work with the Registrar of the Tribunal in order to find practicable solutions to address the staffing situation.

7. The Security Council, in resolution 1966 (2010) establishing the International Residual Mechanism for Criminal Tribunals ("the Mechanism"), requested the Secretary-General to make the practical arrangements necessary for the commencement of the Mechanism's operations. Under the direction of the Office of Legal Affairs, the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda have been working jointly since February 2011 to implement that mandate. The initial priority was to develop a budget proposal for the biennium 2012-2013 and a draft Rules of Procedure and Evidence. Both were successfully submitted to the Office of Legal Affairs by July 2011. The next steps will focus on harmonizing the policies, procedures and operations of the two Tribunals in order to ensure that the Mechanism is able to commence its work from 1 July 2012.

3. Diplomatic relations and other representation

8. The President maintained regular contact with United Nations Headquarters and the diplomatic community in the host country, at the seat of the United Nations and in other countries. The United Nations Secretariat, and in particular the Office of Legal Affairs, provided important legal advice and diplomatic support to ensure smooth cooperation between the Tribunal, the Security Council and the General Assembly.

9. On the occasion of their briefings of the Security Council, both the President and the Prosecutor of the Tribunal participated in meetings of the Informal Working Group on International Tribunals of the Security Council. That allowed for comprehensive and open discussions with the legal advisers of the members of the Security Council.

B. Activities of coordination mechanisms

1. Coordination Council

10. The Coordination Council, consisting of the President, the Prosecutor and the Registrar, met regularly to discuss issues affecting the entire Tribunal, such as the Completion Strategy, the Residual Mechanism, staffing and budgetary matters.

2. Bureau

11. The Bureau, composed of the President, the Vice-President and the Presiding Judges of the two Trial Chambers, was consulted by the President in regular meetings and through written exchanges on issues relating to the functioning of the Tribunal.

3. Plenary sessions

12. During the reporting period, the Tribunal's Judges met in a plenary session on 1 April 2011 to discuss a variety of issues. The plenary adopted an amendment to rule 11 bis of the Rules of Procedure and Evidence, allowing for a Chamber to *proprio motu* monitor and revoke a case referred to a national jurisdiction.

4. Rules Committee

13. The Rules Committee submits or discusses proposals for amendments to the Rules of Procedure and Evidence. It is composed of Judges Joensen (Chair), Tuzmukhamedov and Park, and assisted by Legal Officers from the Chambers. For matters relevant to the general conduct of trials, the Committee sits in an extended format, supported by representatives of the Office of the Prosecutor and Defence Counsel. The Committee met regularly to discuss the amendment to rule 11 bis and worked, in close cooperation with the International Tribunal for the Former Yugoslavia, on providing comments to the draft Rules of Procedure and Evidence of the Residual Mechanism to the Office of Legal Affairs.

C. Activities of the Chambers

1. Composition of the Chambers

14. The Chambers comprise two Trial Chambers and one Appeals Chamber and are currently composed of 12 permanent judges and 10 ad litem judges.

15. Five of the permanent judges and all the ad litem judges sit in the two Trial Chambers. One permanent judge, Judge Asoka de Silva (Sri Lanka), and two ad litem judges, Judges Joseph Masanche (United Republic of Tanzania) and Taghrid Hikmet (Jordan), left the Tribunal after the completion of their final cases. Judge Robert Fremr (Czech Republic), an ad litem judge, returned to the Tribunal in September 2010.

16. Seven permanent judges sit on the Appeals Chamber. Two of them, Judges Mehmet Güney (Turkey) and Andrésia Vaz (Senegal), are from the International Criminal Tribunal for Rwanda, and the five other judges are from the International Criminal Tribunal for the Former Yugoslavia.

17. The Trial Chambers are currently composed of Judges Khalida Rachid Khan (Pakistan), Dennis Byron (Saint Kitts and Nevis), William H. Sekule (United Republic of Tanzania), Arlette Ramaroson (Madagascar) and Bakhtiyar Tuzmukhamedov (Russian Federation) as permanent judges, and Solomy Balungi Bossa (Uganda), Lee Gacuiga Muthoga (Kenya), Florence Rita Arrey (Cameroon), Emile Francis Short (Ghana), Seon Ki Park (Republic of Korea), Gberdao Gustave Kam (Burkina Faso), Vagn Joensen (Denmark), Mparany Rajohnson (Madagascar), Aydin Sefa Akay (Turkey) and Robert Fremr (Czech Republic) as ad litem judges.

18. The Appeals Chamber is composed of Judges Patrick Robinson (Jamaica) as Presiding Judge, Mehmet Güney (Turkey), Fausto Pocar (Italy), Liu Daqun (China), Andrésia Vaz (Senegal), Theodor Meron (United States of America) and Carmel Agius (Malta).

19. The Tribunal takes note of General Assembly resolution 65/258 (2011) reviewing the conditions of service and compensation for the ad litem judges serving at the ad hoc Tribunals and granting a one-time ex gratia payment to those who have been in full-time uninterrupted service for longer than three years, and thanks the General Assembly for its efforts in this endeavour.

2. Principal activities of the Trial Chambers and the Appeals Chamber

(a) Trial Chamber I

20. The work before this Trial Chamber is complete.

(b) Trial Chamber II

21. During the reporting period, Trial Chamber II delivered judgement in four cases, and continued judgement drafting in two cases involving five accused. One single-accused trial is ongoing.

Judgement in *Nyiramasuhuko et al.* ("Butare")

22. On 24 June 2011, the Chamber, composed of Judges Sekule, presiding, Ramaroson and Bossa, delivered judgement in the *Butare* case. The trial involved six accused: Pauline Nyiramasuhuko (former Minister of Family and Women's Development); Arsène Shalom Ntahobali (alleged leader of an Interahamwe group in Butare in April 1994); Sylvain Nsabimana (*préfet* of Butare from 19 April to 17 June 1994); Alphonse Nteziryayo (*préfet* of Butare from 17 June to July 1994); Joseph Kanyabashi (former *bourgmestre* of Ngoma *commune* in Butare *préfecture*); and Elie Ndayambaje (former *bourgmestre* of Muganza *commune* in Butare *préfecture*). The Chamber convicted the six accused of various crimes including genocide and crimes against humanity, sentencing Nyiramasuhuko, Ntahobali and Ndayambaje to life imprisonment, Nsabimana to 25 years' imprisonment, Kanyabashi to 35 years' imprisonment, and Nteziryayo to 30 years' imprisonment. During the trial, the Chamber heard 189 witnesses over the course of 714 trial days.

Judgement in *Ndindiliyimana et al.* ("Military II")

23. On 17 May 2011, a Chamber, composed of Judges de Silva, presiding, Hikmet and Park, delivered Judgement in the Military II trial. The case involved four accused, François-Xavier Nzuwonemeye (former Commander of the Reconnaissance Battalion of the Rwandan Army); Augustin Bizimungu (former Chief of Staff of the Rwandan Army); Augustin Ndindiliyimana (former Chief of Staff of the *Gendarmerie nationale*); and Innocent Sagahutu (former Commander of Squadron A, Reconnaissance Battalion of the Rwandan Army). Ndindiliyimana was sentenced to time already served and was ordered to be released immediately. Bizimungu was sentenced to 30 years' imprisonment, while Nzuwonemeye and Sagahutu were each sentenced to 20 years' imprisonment. The Chamber heard 217 witnesses over the course of 393 trial days. The Chamber heard the parties' closing arguments on 24, 25 and 26 June 2009.

Judgement in *Hategekimana*

24. On 6 December 2010, a Chamber, composed of Judges Ramaroson, presiding, Hikmet and Masanche, delivered Judgement in the case of *The Prosecutor v. Ildephonse Hategekimana*, former commander of Ngoma Military Camp. Hategekimana was convicted of genocide as well as murder and rape as crimes against humanity and was sentenced to life imprisonment. The accused was found not guilty of complicity in genocide. Over the course of 43 trial days, the Chamber heard 40 witnesses. Closing arguments were heard on 26 April 2010.

Judgement in *Kanyarukiga*

25. On 1 November 2010, a Chamber, composed of Judges Hikmet, presiding, Park and Masanche, delivered Judgement in the case of *The Prosecutor v. Gaspard Kanyarukiga*, a businessman. Kanyarukiga was convicted of genocide and extermination as a crime against humanity and was sentenced to 30 years' imprisonment. The accused was acquitted of complicity in genocide. Over the course of 28 trial days, the Chamber heard 34 witnesses. Closing arguments were heard on 24 May 2010.

One multi-accused in judgement drafting: *Bizimungu et al.* ("Government II")

26. The Government II case before Judges Khan, presiding, Muthoga and Short concerns four former Rwandan ministers of the Interim Government of 9 April 1994 — Casimir Bizimungu, Justin Mugenzi, Prosper Mugiraneza and Jérôme-Clément Bicamumpaka. The trial spanned 404 trial days, during which 171 witnesses testified and over 8,000 pages of exhibits were entered into evidence. During the reporting period, the Chamber has been involved in deliberations and judgement drafting and has issued 6 decisions and orders. Judgement delivery is anticipated for the second half of 2011.

Ongoing Trial *Ngirabatware*

27. The case of Augustin Ngirabatware (former Minister of Planning) is being heard by a Chamber composed of Judges Sekule, presiding, Bossa and Rajohnson. The defence case is expected to be completed by the end of 2011. Judgement delivery is anticipated for the first quarter of 2012. During the reporting period, the Chamber heard 23 witnesses and rendered 43 decisions.

(c) Trial Chamber III

28. During the reporting period, Trial Chamber III rendered two judgements, completed trial proceedings in one multi-accused trial, commenced proceedings in two further cases, prepared for trial in two cases and began conducting preservation of evidence hearings.

Judgement in *Ntawukulilyayo*

29. On 3 August 2010, Judges Khan, presiding, Muthoga and Akay delivered Judgement in the case of the former *sous-préfet* of Gisagara, Dominique Ntawukulilyayo. The Chamber convicted the accused of genocide and sentenced him to 25 years' imprisonment, and acquitted him of direct and public incitement to commit genocide. The Trial Chamber heard 35 witnesses over the course of 33 trial days. Closing arguments were heard on 14 June 2010. During the course of the proceedings, the Chamber rendered 38 decisions.

Judgement in *Gatete*

30. On 29 March 2011, a Chamber composed of Judges Khan, presiding, Muthoga and Akay delivered Judgement in *The Prosecutor v. Jean-Baptiste Gatete*, a director in the Rwandan Ministry of Women and Family Affairs in 1994, and previously a *bourgmestre* of Murambi *commune*. The Chamber sentenced Gatete to life imprisonment for genocide and extermination as a crime against humanity. Closing

Arguments were heard on 8 November 2010. During the course of the trial, 49 witnesses were heard over 30 trial days.

One case awaiting closing arguments: *Karemera et al.*

31. In the *Karemera et al.* case, the Chamber, composed of Judges Byron, presiding, Kam and Joensen, continued hearing evidence involving Édouard Karemera, former Minister of the Interior, and Matthieu Ngirumpatse, former President of the Mouvement républicain national pour la démocratie et le développement (MRND). The Chamber heard the presentation of Matthieu Ngirumpatse's case from 23 August 2010 to 18 February 2011. During this reporting period, the Chamber sat for 57 trial days, heard 39 witnesses and issued 95 decisions. Closing arguments are scheduled to be heard from 22 August 2011. The Judgement is expected to be delivered in December 2011.

Three ongoing trials: *Nzabonimana, Ndahimana and Nizeyimana*

32. The Chamber composed of Judges Bossa, presiding, Tuzmukhamedov and Rajohnson continued hearing evidence in the case against Callixte Nzabonimana, the former Minister of Youth. During the reporting period, the Trial Chamber heard 19 witnesses and issued 41 written decisions. Judgement delivery is expected in December 2011.

33. Another Chamber, composed of Judges Arrey, presiding, Tuzmukhamedov and Akay, began hearing evidence in the case against Grégoire Ndahimana, a former *bourgmestre*, on 6 September 2010. During the reporting period, the Trial Chamber heard 45 witnesses and issued 14 written decisions. Judgement delivery is expected by November 2011.

34. The Chamber composed of Judges Muthoga, presiding, Park and Fremr began hearing evidence in the case against Ildéphonse Nizeyimana, former second-in-command in charge of intelligence and military operations at the École des sous-officiers during 1994. The Prosecution case commenced on 17 January and closed on 25 February 2011. The Defence case commenced on 9 May 2011 and closed on 13 June 2011. The Prosecution will present its rebuttal case on or about 7-8 September 2011. During the reporting period, the Chamber heard the evidence of 76 witnesses and rendered 74 decisions. Judgement delivery is anticipated in the first quarter of 2012.

Pre-trial matters

35. During the reporting period, the Pre-Trial Chamber, composed of Judges Byron, presiding, Kam and Joensen, began its work in the case against Jean Uwinkindi, and rendered five decisions.

36. Bernard Munyagishari was arrested in the Democratic Republic of the Congo on 25 May 2011 and transferred to Arusha on 14 June 2011. Munyagishari made his initial appearance before Judge Byron on 20 June 2011, where he pleaded not guilty to the five counts against him.

Referral applications and preservation of evidence hearings

37. A Chamber, composed of Judges Arrey, presiding, Short and Fremr, rendered its decision on 29 June 2011, referring the case against Jean Uwinkindi to the courts

of Rwanda. Another Chamber, composed of Judges Joensen (presiding), Kam and Rajohnson, deferred hearing the referral applications of fugitives Charles Sikubwabo and Fulgence Kayishema until the accused are arrested or until a final decision is rendered in the *Uwinkindi* case.

38. Preservation of evidence hearings pursuant to rule 71 bis began in the case of *The Prosecutor v. Félicien Kabuga* and are being heard by Judge Joensen. Hearings for two other high-level fugitives are planned to commence before the end of 2011.

(d) Appeals Chamber

39. During the reporting period, the Appeals Chamber was seized of appeals from 12 judgements concerning 17 persons, 10 interlocutory appeals, and 10 motions for review or reconsideration. The Appeals Chamber rendered 4 judgements, 9 interlocutory appeal decisions, 7 decisions related to review or reconsideration, and 131 pre-appeal orders and decisions.

Appeal Judgements: *Rukundo, Kalimanzira, Renzaho and Muvunyi*

40. Trial Chamber II convicted Emmanuel Rukundo, a military chaplain, of genocide and of murder and extermination as crimes against humanity on 27 February 2009 and sentenced him to 25 years' imprisonment. The Appeals Chamber heard the parties' appeals on 15 June 2010. In its Judgement of 20 October 2010, the Appeals Chamber affirmed Rukundo's convictions for genocide and for murder and extermination as crimes against humanity but did so on the basis of his responsibility for aiding and abetting those crimes rather than committing them, as the Trial Chamber had found. In addition, the Appeals Chamber reversed Rukundo's conviction for genocide in relation to causing serious mental harm. The Appeals Chamber reduced Rukundo's sentence to 23 years' imprisonment.

41. Callixte Kalimanzira, a former senior official of the Ministry of Interior, was convicted on 22 June 2009 by Trial Chamber III of genocide and direct and public incitement to commit genocide. The Appeals Chamber heard the parties' appeals on 14 June 2010 and, on 20 October 2010, it affirmed Kalimanzira's conviction for aiding and abetting genocide. However, the Appeals Chamber reversed Kalimanzira's remaining convictions and, accordingly, reduced his sentence from 30 to 25 years' imprisonment.

42. On 14 July 2009, Trial Chamber I convicted Tharcisse Renzaho, the former Prefect of Kigali-ville *préfecture*, of genocide, and murder and rape as crimes against humanity and serious violations of article 3 common to the Geneva Conventions and of Additional Protocol II thereto. The Trial Chamber sentenced Renzaho to imprisonment for the remainder of his life. The Appeals Chamber heard Renzaho's appeal on 16 June 2010. On 1 April 2011, the Appeals Chamber reversed some of Renzaho's convictions while affirming convictions for genocide and murder as a crime against humanity and a serious violation of article 3 common to the Geneva Conventions and of Additional Protocol II thereto. The Appeals Chamber also affirmed Renzaho's sentence.

43. Following a retrial, on 11 February 2010, Trial Chamber III convicted Tharcisse Muvunyi, a former Lieutenant Colonel in the Rwandan Army, of direct and public incitement to commit genocide and sentenced him to 15 years'

imprisonment. The Appeals Chamber heard the parties' appeals on 21 October 2010 and, in its Judgement of 1 April 2011, affirmed the conviction and the sentence.

Further appeals from Judgement

44. Théoneste Bagosora, Aloys Ntabakuze and Anatole Nsengiyumva appealed against their Trial Judgement. The Appeals Chamber heard Bagosora's and Nsengiyumva's appeals from 30 March through 1 April 2011. Owing to unavailability of Ntabakuze's counsel for the scheduled hearing of his appeal, the Appeals Chamber severed his case and decided to hear his appeal later. Deliberations are now in progress in the *Bagosora and Nsengiyumva* case. The Appeals Chamber is also deliberating on the parties' appeals in the *Setako* and *Munyakazi* cases, which it heard in March 2011. The Appeals Chamber is also seized of appeals in the *Ntawukulilyayo, Kanyarukiga, Hategekimana* and *Gatete* cases, which are being prepared for hearings, and of the *Ndindiliyimana et al.* case, in which the briefing of the appeals has not yet begun.

D. Activities of the Office of the Prosecutor

45. The Office of the Prosecutor has continued to focus its efforts on the completion of the ongoing trials, the commencement of one new trial and the preparation of another from the two recently arrested fugitives, the transfer of cases of fugitives to national jurisdictions under rule 11 bis and the implementation of rule 71 bis evidence preservation proceedings in respect of three top-level fugitives: Félicien Kabuga, Protais Mpiranya and Augustin Bizimana. Furthermore, the Office continues with the intensification of tracking efforts to arrest the remaining fugitives, the conduct of final as well as interlocutory appeals, the management of archives and records to be transferred to the Residual Mechanism and the provision of assistance to national prosecuting authorities in respect of cases being investigated or prosecuted by them.

46. Rigorous tracking efforts led to the arrest of the fugitive Bernard Munyagishari on 25 May 2011 by the Democratic Republic of the Congo in cooperation with officers from the tracking team of the International Criminal Tribunal for Rwanda. Efforts continue for the arrest of the remaining nine fugitives, and especially of the three top-level fugitives earmarked for trial at the Tribunal. The Prosecutor is confident that the continued cooperation of the Democratic Republic of the Congo will facilitate the arrest of those fugitives, the majority of whom are believed to be in that territory.

47. In conjunction with his efforts to strengthen international cooperation between Member States in the region and the International Criminal Tribunal for Rwanda, the Prosecutor held constructive consultations with the Executive Secretary of the International Conference on the Great Lakes Region. However, while the work of the joint International Criminal Tribunal for Rwanda-Kenya Police Task Force has been reactivated since November 2010, progress on the Félicien Kabuga file remains slow. The Prosecutor continues to urge the Government of Kenya to expedite work on the tracking and arrest of this top-level fugitive. A concerted effort by States members of the Great Lakes Region in collaboration with the Tribunal promises to bring to account the remaining fugitives.

48. In the framework of implementing the referral strategy of the International Criminal Tribunal for Rwanda, the Prosecutor visited a number of European States in April 2011 and held discussions with senior officials to encourage their Governments to consider accepting cases for trial from the Tribunal. A positive response will greatly assist the Tribunal to realize its objective for the expeditious completion of its mandate. Meanwhile, much effort has been invested in the three applications filed in November 2010, seeking the referral to Rwanda of the cases of the arrestee *Uwinkindi* and the fugitives *Sikubwabo* and *Kayishema*. The Prosecutor also continued to provide assistance to Rwanda in its efforts to try 25 other suspects who were investigated but not indicted by the Tribunal, and their files were handed over to Rwanda in 2010.

49. Pursuant to Security Council resolution 1966 (2010), establishing the Arusha Branch of the Residual Mechanism on 1 July 2012, the Office of the Prosecutor has focused on the preparations for a smooth transition to an efficient and effective mechanism. In addition to system-wide coordination within and between the Tribunals, the Offices of the Prosecutors of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda have also set up an intra-Office of the Prosecutor coordination team that has agreed on the structure and staffing of the common Office of the Prosecutor in line with the objectives of the resolution for a lean and effective mechanism.

50. During the reporting period, there has been a positive signal for international cooperation against impunity and for accountability at the highest levels. Several Member States have continued to enhance their efforts to bring to trial, within their national jurisdictions, the Rwandan suspects appearing on the INTERPOL wanted list. For the effective prosecution of those suspects, the Office of the Prosecutor continues to provide mutual legal assistance and information to national prosecuting authorities. As a result, requests to the Prosecutor for information from the Office's extensive database have increased substantially over the reporting period.

E. Activities of the Registry

1. Office of the Registrar

51. The *Office of the Registrar* continued to act as the channel of communication between the organs of the Tribunal as well as its diplomatic arm. As such, the Office of the Registrar maintained high-level diplomatic contacts with Member States, international organizations and non-governmental organizations. During the reporting period, the Office of the Registrar transmitted more than 540 notes verbales and other correspondence related to the operations of the Tribunal, in particular, to secure support and cooperation from Member States with respect to ongoing trials. The Registry dealt with an increased number of inquiries and requests for legal assistance from national jurisdictions.

52. Rwanda continued to cooperate with the Tribunal by facilitating the flow of witnesses from Kigali to Arusha and by providing relevant documents for use in trial proceedings.

53. An agreement with respect to enforcement of sentences was signed with the Republic of Senegal on 22 November 2010. On 18 July 2010, the Tribunal transferred one convicted person to a Member State to serve the remainder of his

sentence. The Registry is taking the necessary measures to implement four decisions rendered by the President ordering transfer of convicted persons to another Member State in May 2011. Two additional decisions are expected shortly. The relocation of convicted persons who have served their sentence remains an issue of concern calling for a sustainable solution which requires the increased cooperation of Member States.

54. Similarly, the issue of the relocation of persons acquitted by the International Criminal Tribunal for Rwanda continues to be a matter of grave concern for the Tribunal. To date, three acquitted persons remain in Arusha, under the protection of the Tribunal, without proper immigration status as they await relocation to a safe country. The challenge to their relocation is the unfortunate result of the absence of a formal mechanism to secure the support of Member States to accept these persons within their territories. The International Criminal Tribunal for Rwanda considers the resettlement of persons acquitted by an international tribunal to be a fundamental expression of the rule of law and is seriously concerned about the consequences of failing to fulfil this obligation. This view was shared by the Office of the United Nations High Commissioner for Refugees in a UNHCR-ICTR expert meeting organized in Arusha in April 2011. One of the conclusions of the joint expert meeting recognized that the Security Council is where the plight of the acquitted persons belongs, and that the Tribunal has no other choice but to call upon the assistance of the Council to find a sustainable solution to this issue.

55. The *External Relations and Strategic Planning Section* was successful in raising voluntary contributions to the Trust Fund, enabling the Tribunal to carry on its capacity-building and outreach activities. These activities form an important part of the Tribunal's mandate and legacy and are a vital tool for bridging the information gap between the Tribunal and the people of Rwanda at the grass-roots level.

56. The Tribunal welcomed a total number of 3,073 visitors, including high-level United Nations and government officials, academics, civil society, non-governmental organizations and the general public. During the current downsizing phase, the Tribunal has attracted a higher number of visitors.

57. The Information and Documentation Centre in Kigali (Umusanzu) and 10 additional provincial information centres located across Rwanda continue to play a key role in information dissemination, improved communication and access to the jurisprudence of the Tribunal and other legal materials. The centres are visited daily by members of the Rwandan judiciary, students, researchers and the public, who are provided with informative materials and have access to briefings, training, library services, video screenings and the Internet. During the reporting period, the Information Centre in Kigali received approximately 36,000 visitors, while the provincial information centres received approximately 18,000 visitors.

58. During the reporting period, the International Criminal Tribunal for Rwanda engaged in several outreach activities. One of the flagship outreach projects relates to youth sensitization and genocide prevention education in the Great Lakes Region, through an essay and drawings competition for East African students, sponsored by the Federal Republic of Germany. The students were asked to address questions of international justice, the fight against impunity, and the contribution of the Tribunal to national reconciliation. The winners were announced in October 2010. The youth sensitization project also involves the publishing of a cartoon book on the work of

the Tribunal. The cartoon book is expected to be finalized shortly before the end of 2011. The Tribunal launched the 2011 Official Awareness Raising Programme in Huye District, Southern Region of Rwanda, on 28 and 29 April 2011. The programme included the display of the Genocide Exhibition Panels and posters of the winning essays and drawings.

59. Additionally, the International Criminal Tribunal for Rwanda, in collaboration with the National Commission for the Fight against Genocide and the Kigali Memorial Centre, conducted an exhibition in commemoration of the seventeenth anniversary of the Rwandan genocide from 4 to 15 April 2011. From May to July 2011, with funds from the Department of Public Information in New York, Awareness Raising Programmes for Lessons Learned from the Genocide of 1994 were successfully conducted in six major prisons throughout Rwanda. Approximately 29,799 prison inmates and officials attended. The Tribunal has continued to undertake capacity-building activities for about 700 legal professionals in Rwanda, with the aim of further strengthening the Rwandan justice sector in areas such as investigation, witness protection, evidence and information management, and oral and written advocacy skills. Those activities were mostly organized to equip the Rwandan judiciary with the necessary tools for successfully taking up cases that may be referred from the Tribunal. Some examples of the many initiatives that the Tribunal conducted are online legal research training for law students, and two similar trainings for members of the Rwandan judiciary at the Institute for Legal Practice and Development and the Huye Intermediate Court. The Tribunal conducted a training-of-trainers session in Rwanda with respect to increasing library collections through online resources. In May 2011, the fourth Training Workshop and Moot Competition for members of the Kigali Bar Association was conducted.

60. To sum up, the International Criminal Tribunal for Rwanda has actively continued to organize training and workshops aimed at strengthening the capacity of the Rwandan judiciary and raising awareness of the work of the Tribunal among the Rwandan public. Additional capacity-building and outreach programmes have been planned for this reporting period and could be implemented subject to availability of funds, which are extrabudgetary, for various communes in Rwanda for approximately 5,000 participants, as well as for over 28,000 students and teachers from Rwandan schools.

61. Through its Communication Cluster, the External Relations and Strategic Planning Section has ensured the wide dissemination of information about the Tribunal's activities by press meetings, newsletters and press releases, as well as the website, films and information brochures, in English, French and Kinyarwanda. The unit also processed numerous local and international media inquiries and broadcast trial proceedings via satellite. It launched exhibitions on the work of the Tribunal in East Africa, the Gambia and Senegal and organized film screenings, talks and discussions in several African capitals as well as throughout Rwanda. An open line of communication is maintained with universities and other educational institutions in the region.

62. During the reporting period, the *Gender Focal Point* prepared proposals for soliciting funds to replenish the depleted Trust Fund for the Support Programme for Witnesses. The International Criminal Tribunal for Rwanda set up a clinic for witnesses thanks to voluntary contributions from Member States for ensuring the provision of physical and psychological care to witnesses residing in Rwanda, in

particular those living with HIV/AIDS as a result of sexual violence suffered during the genocide. The campaign received a contribution from the Government of Spain during the reporting period. Regrettably, the funds have been depleted and without any immediate injection of resources, the clinic will be forced to halt the provision of its services and life-saving treatment. In addition, witnesses residing in Rwanda continued to benefit from the gender-sensitive counselling provided by the nurse psychologists resident at the Tribunal's clinic in Rwanda.

63. The *Internship Programme* welcomed 197 interns to the Tribunal during this reporting period; 165 were assigned to either Chambers or the Office of the Prosecutor. In addition, the Pro bono Legal Researchers Programme was able to utilize the services of four qualified lawyers in Chambers and the Office of the Prosecutor. Furthermore, 15 Legal Researchers from 12 African countries benefited from the funding made available from the European Union, and were able to assist in the work of the Tribunal. However, as donors have stopped funding this programme, no further Legal Researchers will be made available to assist the Tribunal. These programmes have assisted the implementation of the Completion Strategy, especially following the abolition of regular posts Tribunal-wide.

64. The *Legal Services and Internship Programme Unit* also continued to play an important legal advisory role for issues pertaining to the proper implementation and interpretation of United Nations administrative rules, and for cases relating to the immunities and privileges of staff regarding civil and criminal cases, in addition to interpreting and reviewing agreements. During the reporting period, the Unit mediated and settled 21 cases between staff members and local law enforcement offices, as well as domestic employees.

2. Judicial and Legal Services Division

65. The *Court Management Section* provided support services to the judicial processes of the Tribunal, including provision of real-time transcripts of proceedings, support for site visits to Rwanda, certification of witness statements, depositions and video-link hearings from various countries. As part of its role in the capacity-building and outreach activities of the Tribunal, the Section continued to conduct training sessions for representatives of various African countries, including demonstrations on the Tribunal's system for the instantaneous production of transcripts. It also conducted specialized training sessions aimed at strengthening the institutional capacity of the judicial sector in Rwanda. As a major component of the Tribunal's preparations for the transition to the Residual Mechanism, the Court Management Section contributed to drafting the policies and guidelines for the records and archives to be transferred and managed by the Residual Mechanism. It also continued its work on the redaction and digitization of the collection of audio-visual recordings of the Tribunal's proceedings.

66. The *Defence Counsel and Detention Management Section* continued to provide essential and improved support services to the Registry, Chambers and the Prosecutor. The Section improved the supporting services to detainees, prisoners and their Counsel to guarantee the detainees' and prisoners' right to legal representation. The legal aid programme proved efficient, effective and economical. During the period under review, the electronic billing system was tested and proved feasible.

67. During the reporting period, judgements for 18 accused were rendered by the Trial and Appeals Chambers of the Tribunal. Among them, one detainee was sentenced to time served and was released forthwith. Over the same period, the *United Nations Detention Facility* accommodated 19 detained witnesses from Rwanda and one prisoner witness from Mali who were called to testify in various trials.

68. On 18 July 2010, one prisoner was transferred to a Member State to serve his sentence. On 1 July 2010, one detainee died at an Arusha hospital following a long illness. One detainee who was arrested in the Democratic Republic of the Congo on 25 May 2011 was transferred and admitted to the United Nations Detention Facility on 14 June 2011.

69. As of 30 June 2011, the population of inmates at the United Nations Detention Facility was a total of 36 detained persons (12 detainees and 24 convicted persons).

70. The International Committee of the Red Cross visited the United Nations Detention Facility on 15 June 2011 and interviewed detainees. The Committee commended the Facility's management for the accomplishment of its goals, particularly the good condition of the detention.

71. During the reporting period, the *Witness and Victims Support Section* ensured the timely availability of 216 witnesses brought from 21 countries. Threat assessments were conducted for some witnesses. In accordance with protective measures ordered by the Chambers, transcripts were redacted to expunge identifying information concerning witnesses or their family members, prior to the transcripts being made public. The Section has intensified its post-trial monitoring activities in the countries of residence of witnesses who appeared before the Tribunal. Several witnesses residing in Rwanda received assistance aimed at improving their medical and psychological rehabilitation. The Section enjoyed the cooperation of several Member States, which issued temporary travel documents enabling witnesses to travel to and from Arusha, and of offices of the United Nations High Commissioner for Refugees in a number of African countries, which assisted in facilitating the movement and protection of witnesses. Some Member States also provided assistance in escorting witnesses. The Section conducted two trainings on witness protection for Rwandan judiciary and Tanzanian law enforcement and judicial officers.

72. The *Language Services Section* provided interpretation, translation and reproduction services to the Chambers, the parties and the Registry. During the reporting period, seven trial judgements and four appeals judgements, a significant number of decisions as well as of other documents such as pre-trial and closings briefs, and motions were translated. The roster of translators, interpreters and proofreaders established with a view to pre-empting any potential disruption of trials was kept in place and was used on one occasion to bring two Kinyarwanda interpreter-translators on board. In addition, documents for translation were outsourced, and freelance revisers were recruited to alleviate the heavy workload of the Section.

73. The *Legal Library and Reference Section* continues to play a crucial role in delivering legal materials needed to support the judicial process. In addition, the Legal Library released the new versions of the full-text searchable "ICTR basic

documents and case law", covering the period 1995-2010 for the DVD and the year 2010 for the CD-ROM.

3. Division of Administrative Support Services

74. The process of downsizing continued to pose major challenges to the operations of the entire Tribunal. The *Division of Administrative Support Services* continued to respond to those challenges in a proactive and flexible manner.

75. The staff members of the Tribunal come from 72 countries and, as of 29 June 2011, the Tribunal had 666 staff members against an authorized complement of 827 posts, with 161 vacant posts, a 19 per cent vacancy rate. Based on the current attrition rate trend as staff members continue to look for more stable jobs elsewhere, it is anticipated that the vacancy rate will be above 20 per cent by the end of 2011. The gender ratio of staff at the Professional level and above is 64 per cent male and 36 per cent female.

76. During the downsizing phase, attracting and retaining competent staff continues to pose a major challenge. The short duration of contracts issued to staff members has contributed to increased uncertainty and has continued to have a negative impact on productivity. The Division put in place measures aimed at retaining staff and is closely working with the Office of Human Resources Management on the modality of issuing contracts in line with the judicial calendar as a way of issuing contracts of longer durations to those whose services will still be required. In parallel, the consultative staff retention exercise continues to be conducted in order to determine the number and composition of staff to be retained until the completion of the Tribunal's work. It should be noted that the current limitation of duration of temporary appointments has the potential of impacting negatively on the Completion Strategy. The Tribunal's Management is consulting with the Office of Human Resources Management with the aim of instituting flexibility measures to address this concern.

77. The *Career Resource Centre* has been organizing career development workshops and training to support staff in their professional aspirations. The *Human Resources Planning Section* continues to actively assist staff who are leaving the Tribunal. In May 2011, a series of presentations and individual consultations were organized in collaboration with the United Nations Joint Staff Pension Fund to inform staff about their pension entitlements. The Section also organized another Job Fair in June 2011, and has once again issued an online compendium of skills (e-fact sheets) in an attempt to support all categories of staff in securing employment beyond their assignment with the Tribunal. The Section also continues to provide advice to staff members and judges on their final entitlements and on the implications of the new contractual arrangements and Staff Rules.

78. The *Security and Safety Section* continued to update and test its contingency plans in order to ensure the safety and security of the Tribunal's staff, premises, assets and operations through dedicated interaction with the host country's security services and with the Office of the Security Advisor of the United Republic of Tanzania. During the reporting period, no major incidents occurred. The United Nations security guidelines were fully implemented and safety and security information was shared with the staff regularly and in a timely manner.

79. The *Information Technology Services Section* continued to provide vital support to the Tribunal. The *Electronic Data Processing Unit* maintains the information and technology infrastructure of the Tribunal, supporting and meeting the computing needs of the various business units. During the reporting period, a number of business process systems were brought online that added efficiency and timelines to standard administrative procedures within the Division of Administrative Support Services. Infrastructure upgrades were made to the network and data centre to replace obsolete equipment and add capacity to support the critical audio-visual digitization and other legacy projects. The *Audio-visual Unit* provides video coverage of all court proceedings and videoconferencing services for remote witness testimonies and meetings. The Telecommunications Unit supports the operation and maintenance of the telephone network, two satellite earth stations, rural telephone links and two-way radio networks and the telephone billing and switchboard operator services.

80. The *Health Services Unit* provided curative, preventive and trauma counselling support and performed medico-administrative duties for judges and staff members and their dependants, as well as for detainees, witnesses and victims. The Unit monitored clients' health through four sub-units: two in Kigali and two in Arusha. In Kigali, witnesses received a full medical check-up and medical care before transfer to Arusha for testimony. In Arusha, the United Nations Detention Facility sub-unit cared for detainees, prisoners and prisoner-witnesses. At the headquarters clinic, clients received medicines, laboratory services and immunization free of charge.

81. The *Counselling and Welfare Unit* addressed psychosocial issues of staff members and recognized family members, and implemented welfare activities for the wellness of all staff. The Unit also continued to provide trauma counselling to witnesses and professional psychological support to staff and their families. The services of the Staff Counsellor were available on a 24-hour basis.

82. In the area of resources management, the *Budget Unit* continued to provide expertise on proper planning, control and monitoring of the utilization of available resources. The *Finance Section* continued to provide timely and reliable services to staff members and clients of the Tribunal.

83. The *General Services Section* and the *Procurement Section* provided vital support to the Tribunal. The *Building Management Services*, in line with the Completion Strategy, started to relocate surplus accommodation containers from Kigali to Arusha for use as offices, thus allowing for the return of some regular rental space to the landlord. The *Asset Management Services* improved the reception and inspection of goods purchased by the Tribunal. Efforts were made to introduce the Galileo Inventory Management System. The Unit has also accelerated the process for the disposal of old and obsolete property. The recently acquired warehouse facilities in the context of the scaling down of the Tribunal operations is serving as a central point for commercial disposal of written-off assets. In order to monitor and control the use of the official vehicles, the *Transport Services Unit* has fitted almost all of the Tribunal's vehicles with Global Positioning System tracking. These devices offer real-time information on fuel utilization, the actual location of a vehicle, and the speed at which it is driven. This not only enhanced discipline on the roads but also made possible the quick recovery of a stolen official vehicle. The *Central Registry/Mail/Pouch and Archives Services* continued to provide services to the entire house. The *Central Archives Facility* continued archiving records

generated by sections/units of the Division and scanning and entering metadata into the Tower Records Information Management database. A functional archiving structure was established for Kigali records of the Division of Administrative Support Services. The *Procurement Section* continued to ensure that the goods and services required by the Tribunal to undertake its activities effectively were provided on time and within budget. It also worked closely with units such as Transport to identify possible outsourcing of services such as repair and maintenance of vehicles. The Section also handled successfully the commercial disposal of some of the Tribunal's furniture, vehicles and equipment.

III. Conclusion and recommendations

84. The Tribunal made significant progress during the past year towards achieving the goals of the Completion Strategy despite a very heavy workload: six trial judgements representing 14 accused were delivered. At the trial level, the delivery of judgements in all remaining cases, except for two, is expected before the end of 2011.

85. State cooperation remains the cornerstone of the Tribunal's ability to complete its mandate, and the Tribunal appreciates the continued trust and support of Member States.

86. With the close cooperation of Member States, one fugitive was arrested in the region during the reporting period. Additional efforts will have to be made, however, both by the Tribunal and by Member States, to ensure the arrest of the remaining nine fugitives, in particular the three high-ranking accused earmarked for trial before the Tribunal who have evaded justice for over 17 years.

87. The Tribunal reiterates its call for urgent action to help to find host countries for the three acquitted persons who remain in a safe house in Arusha under the Tribunal's protection. For one of those individuals, it has been over four years since the confirmation of his acquittal by the Appeals Chamber. The International Criminal Tribunal for Rwanda considers the resettlement of persons acquitted by an international criminal tribunal to be a fundamental expression of the rule of law and is concerned about the consequences of failing to fulfil this obligation.

88. Finally, maintaining an adequate level of experienced staff remains the key challenge for the Tribunal as an organization approaching the end of its mandate. The Tribunal appreciates all the support given by Member States to efforts to address this pressing situation.

89. The Tribunal has been engaged in work directly related to the Rwandan genocide for more than 17 years. The genocide has greatly affected everyone at the Tribunal, and seeking justice for the victims continues to drive our commitment to the goal of ensuring that never again will such atrocities occur. We call for the support of the international community to provide us with the necessary resources to accomplish our mandate, and we hope that our work will lead the way in the continued fight against impunity.